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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHANNA DICKERSON,

Plaintiff,

v.

JO ANNE B. BARNHART,  
Commissioner of  
Social Security,

Defendant.

Case No. 2:03-CV-01972-CMK

STIPULATION AND ORDER  
EXTENDING DEFENDANT'S TIME  
TO RESPOND TO PLAINTIFF'S  
COMPLAINT TO FEBRUARY 13,  
2006

On November 8, 2005, this Court issued an Order ("Order") denying Defendant's Motion to Dismiss this action for untimeliness and directing Defendant to file her answer and the administrative transcript within 60 days of the service date of the Order. Due to a miscommunication, the Social Security Administration Office of Hearings and Appeals ("OHA") was not notified of the Order, and timely preparation of the administrative transcript was not commenced. (See Declaration of Karen Clark ("Clark Decl.") at ¶ 3-4.) Upon receiving notification of the Order on or about January 6, 2006, OHA commenced an expedited effort to prepare the administrative transcript. (Clark Decl. at ¶ 4-5.) On January 9, 2006, the United States Attorney's Office was notified that OHA had located all elements of the record, including a tape of oral hearing held in August 2002. (Clark Decl. at ¶ 6.) Although the viability of the August 2002 tape has not yet been verified, it is anticipated that, if the tape is viable, transcription of the tape and other preparations of the record can be completed and the administrative transcript shipped within 30 days. (Clark Decl. at ¶ 6.)

Accordingly, IT IS HEREBY STIPULATED by and between the parties, through their respective undersigned attorneys, with the permission of the Court as indicated below, that Defendant's time to respond to Plaintiff's complaint is hereby extended to February 13, 2006. It is further stipulated that Plaintiff shall have 45 days after service of Defendant's answer and the administrative record to file her motion for summary judgment, as provided for by the Court's original Scheduling Order filed September 22, 2003. See Order at 3.

For the above stated reasons, the parties request that the Court grant the requested extension of time. This is the first request to extend Defendant's deadline to respond to Plaintiff's complaint.

The parties further stipulate that counsel for Plaintiff will provide a facsimile of this stipulation bearing counsel's signature for retention in Defendant's case file, and hereby authorizes counsel for Defendant to file this document in PDF format, pursuant to Local Rule 7-131.

DATED: January 11, 2006

/s/ Harvey P. Sackett  
HARVEY P. SACKETT

Attorney for Plaintiff

DATED: January 12, 2006

McGREGOR W. SCOTT  
United States Attorney

By: /s/ Bobbie J. Montoya  
BOBBIE J. MONTOYA  
Assistant U. S. Attorney

Attorneys for Defendant

OF COUNSEL:

LUCILLE GONZALES MEIS  
Chief Counsel, Region IX

JOHN N. CARVELAS  
Assistant Regional Counsel

U. S. Social Security Administration

**ORDER**

For good cause shown, the requested extension of Defendant's time to respond to Plaintiff's complaint in DICKERSON v. BARNHART, Case No. 2:03-CV-01972-CMK, is hereby APPROVED. Defendant shall file her response on or before February 13, 2006.

**SO ORDERED.**

**January 12, 2006**

/s/ CRAIG M. KELLISON  
Craig M. Kellison  
UNITED STATES MAGISTRATE JUDGE